

Jeanette Finicum
P.O. Box 918
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Pro se

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 3:16-cr-00051-BR

Plaintiff,

v.

JASON PATRICK, *et al.*,

Defendants.

REPLY TO GOVERNMENT'S
RESPONSE IN OPPOSITION TO
JEANETTE FINICUM'S AMENDED
PETITION FOR ANCILLARY
PROCEEDING TO RECOVER
PROPERTY

1. My name is Jeanette Finicum, and I am the widow of Robert LaVoy Finicum.
2. As LaVoy's widow, and the representative of LaVoy's Estate, I was served with a copy of a Notice of Forfeiture ("Notice"), filed as Document 1903 in the above-referenced action.
3. I filed a Petition for Ancillary Proceeding to Recover Property ("Original Petition") on December 5, 2017.
4. The Government's Response in Opposition to the Original Petition was filed on December 18, 2017.
5. There was also a Declaration of Travis Welter in support of the Response filed on December 18, 2017.
6. I filed an Amended Petition for Ancillary Proceeding to Recover Property on January 19,

2018, to request the correct rifle belonging to my husband.

7. I received the Government's Response in Opposition to the Amended Petition ("Response") and the Declaration of Travis Welter in support of the Response to the Amended Petition ("Declaration") on March 16, 2018.

I reply to the Response and Declaration as follows:

My Property Interest In Aldo Uberti .45 caliber rifle, model 1982, serial number T1490

8. In the Declaration paragraph 4, Mr. Welter stated that the ATF could not trace the firearm because there was no importer stamp on the rifle.

9. An importer stamp is not required on firearms and decreases the value of the firearm. My husband valued his firearms and wanted to keep them in the best condition he could.

10. In the Response on page 3, the government claimed that the evidence I provided in the Original Petition was not sufficient to establish my claim to the rifle and suggested that a receipt of purchase would be sufficient.

11. I have searched in an attempt to find a receipt of purchase for the rifle, however, my husband purchased the firearm over two decades ago and may or may not have kept the receipt. Although I have been unable to locate the receipt for purchase of the rifle at this point, I have attached with this reply a photograph taken in 1998 of my husband holding the rifle in question.

12. In the Declaration paragraph 5, Mr. Welter concluded that my husband may have used the rifle at some point during the MNWR occupation but that he did not have any additional

information to indicate that my husband had any legal right, title, or ownership interest in this firearm. He also stated that it was not uncommon for the occupiers to share firearms, particularly during guard duty.

13. Mr. Welter's Declaration indicates that the firearm depicted in the pictures and videos he has reviewed fits the description of the rifle. The issue Mr. Welter raises is that there was no evidence presented outside of the pictures taken during the occupation that would prove my husband had any legal right, title, or ownership interest in the firearm. The attached picture was taken nearly two decades before the occupation and shows my husband's ownership by a preponderance of the evidence.

My Property Interest In An Additional Firearm – Rossi .38 Revolver

14. The government and Mr. Welter stated in the Response and Declaration that these pleadings were meant to supplement the initial response and declaration to my Original Petition. In the Response page 2 foot note 1, the government states that the response to my claim for the revolver remains the same. In Mr. Welter's first declaration paragraphs 14 and 15, he stated that a Firearms Trace Summary was requested and that the ATF found my husband had purchased the revolver in question.

15. The government claimed that this revolver was part of a civil forfeiture case to be adjudicated at a later time. If that is the case, I reassert my property interest in the revolver and acknowledge that the government has already conceded that the ATF trace discovered my husband had legal right, title, and ownership of the revolver.

I request a hearing on this matter, unless the Court deems it unnecessary in granting my request for the rifle to be returned to me.

I declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge. Executed on this 31st day of March, 2018.

/s/ Jeanette Finicum

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2018, I made arrangements for the document titled Reply to Government's Response in Opposition to Jeanette Finicum's Amended Petition for Ancillary Proceeding to Recover Property along with the 1998 photograph of my husband holding the firearm in question to be filed and served in the above-referenced matter by placing a copy in a first-class postage paid envelope, to be delivered via U.S. mail, to the addressee set forth below:

Assistant United States Attorney Katherine C. de Villiers
1000 SW Third Avenue, Suite 600
Portland, OR 97204

And, to be delivered to the Clerk of the Court for filing, the original Reply to Government's Response in Opposition to Jeanette Finicum's Amended Petition for Ancillary Proceeding to Recover Property with the 1998 photograph of my husband holding the firearm in question, mailed to the following address:

Clerk of Court
U.S. District Court, District of Oregon
1000 SW Third Avenue, Suite 740
Portland, OR 97204-2902

Finally, I arranged to have one additional copy of the Reply to Government's Response in Opposition to Jeanette Finicum's Amended Petition for Ancillary Proceeding to Recover

Property included with the original, and I request that the clerk of the court file-stamp that copy and return it to me, using the enclosed pre-stamped and self-addressed envelope.

/s/ Jeanette Finicum

Jeanette Finicum

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Colorado City, AZ 86021